

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
WHEELING DIVISION**

MARK McEVOY, *et al.*,

Plaintiffs,

v.

Civil Action No. 5:22-cv-00171-JPB

Judge John P. Bailey

DIVERSIFIED ENERGY COMPANY, PLC, *et al.*,

Defendants.

**AGREED MOTION FOR ENTRY OF PROTECTIVE ORDER**

Pursuant to Federal Rule of Civil Procedure 26(c) and Federal Rule of Evidence 502, the Parties here, by and through their undersigned attorneys, respectfully requests that this Court enter the proposed protective order (the “Protective Order”) attached as Exhibit A hereto.

**I. STATEMENT OF ISSUE TO BE RULED ON**

This Motion for Entry of Protective Order asks the Court to enter an Order protecting the confidentiality of materials produced by the parties over the course of this litigation, pursuant to Federal Rule of Civil Procedure 26(c). “A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending.” Fed. R. Civ. P. 26(c). The Court has significant discretion to enter a protective order under Rule 26(c). *See Harris v. Amoco Prod. Co.*, 768 F.2d 669, 684 (5th Cir. 1985).

**II. ARGUMENT**

The proposed Protective Order attached as Exhibit A should be entered because the parties agree that it is necessary to protect certain confidential information likely to be disclosed in this civil action. The proposed Protective Order contains procedures for the designation of and

treatment of commercially and competitively sensitive information, as well as confidential attorney products and communications, to ensure such information remains confidential.

### III. CONCLUSION

For the reasons stated above, the Parties respectfully request that this Court enter the proposed agreed to Protective Order attached hereto as Exhibit A.

Respectfully submitted,

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